

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

DWAYNE STONE,
JAMES McTIER and
SHARIEF RUSSELL,

Defendant.

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GLASSER, United States District Judge:

By letter dated November 20, 2007, the government requested the Court to strike juror numbered 78 for cause. That request is bottomed upon the view that the juror's anonymity was inadvertently compromised by her response to the Court's inquiry about the nature of her employment, which was as follows:

JUROR 78: I work for the Department of Education, and the job that I do is called extended use.

THE COURT: What is that?

JUROR 78: It has to do with permits, that's outside organizations that come in and use the schools. So they have to have a permit, and I have to process the permits safety requests and space sheets which the custodians get paid.

Tr. at 613.

The government's request, although acknowledging that the "Department of Education is a massive city agency," contends that because the juror's specific Department unit and her specific task within that unit has been identified, her anonymity has been compromised.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

MEMORANDUM AND ORDER
05 CR 401 (ILG)

No inquiry was made, nor has any evidence been presented regarding the size of that unit, i.e., how many persons are employed within it and how many perform the same functions as does juror number 78, without which a determination of the request would be speculative.

The government's request is, accordingly, denied.

SO ORDERED.

Dated: Brooklyn, New York
December 11, 2007


I. Leo Glasser